

111TH CONGRESS
1ST SESSION

H. R. 128

To amend the Immigration and Nationality Act to strengthen the criminal consequences for certain violations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to strengthen the criminal consequences for certain violations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Respect for the Law
5 Act of 2009”.

6 **SEC. 2. CRIMINAL CONSEQUENCES WITH RESPECT TO VOL-**
7 **UNTARY DEPARTURE.**

8 Subsection (d) of section 240B of the Immigration
9 and Nationality Act (8 U.S.C. 1229c(d)) is amended—

10 (1) in the heading, by striking “CIVIL”;

1 (2) in paragraph (1), by amending subpara-
 2 graph (A) to read as follows:

3 “(A) shall be imprisoned not less than 1
 4 and not more than 4 years and fined under title
 5 18, United States Code; and”;

6 (3) by redesignating paragraph (3) as para-
 7 graph (4); and

8 (4) by inserting after paragraph (2) the fol-
 9 lowing:

10 “(3) REENTRY OF DEPARTED ALIENS.—An
 11 alien who is permitted to depart voluntarily under
 12 this section and thereafter enters, attempts to enter,
 13 or is present in the United States in violation of law
 14 shall be imprisoned not less than 1 and not more
 15 than 2 years and fined under title 18, United States
 16 Code.”.

17 **SEC. 3. CRIMINAL CONSEQUENCES WITH RESPECT TO FAIL-**
 18 **URE OF A DEPORTABLE ALIEN TO DEPART**
 19 **OR APPEAR.**

20 Subsection (a) of section 243 of the Immigration and
 21 Nationality Act (8 U.S.C. 1253(a)) is amended—

22 (1) in the heading, by inserting “FOR FAILURE
 23 TO APPEAR AND” before “FOR FAILURE TO DE-
 24 PART”; and

25 (2) in paragraph (1)—

1 (A) in subparagraph (C), by striking “or”
 2 at the end;

3 (B) in subparagraph (D), by adding “or”
 4 at the end;

5 (C) by inserting after subparagraph (D)
 6 the following:

7 “(E) was ordered removed in absentia
 8 under section 240(b)(5)(A) (unless such order
 9 was rescinded or otherwise invalidated),”; and

10 (D) by striking the matter following sub-
 11 paragraph (E) (as added by subparagraph (C))
 12 and inserting the following:

13 “shall be imprisoned not less than 1 and not more
 14 than 4 years (or imprisoned 10 years if the alien is
 15 a member of any of the classes described in para-
 16 graph (1)(E), (2), (3), or (4) of section 237(a)) and
 17 fined under title 18, United States Code.”.

18 **SEC. 4. CRIMINAL CONSEQUENCES WITH RESPECT TO RE-**
 19 **ENTRY OF REMOVED ALIENS.**

20 Section 276 of the Immigration and Nationality Act
 21 (8 U.S.C. 1326) is amended—

22 (1) in subsection (a), by striking the matter fol-
 23 lowing paragraph (2) and inserting the following:

1 “shall be imprisoned not less than 1 and not more than
 2 2 years and fined under title 18, United States Code.”;
 3 and

4 (2) in subsection (b)—

5 (A) in paragraph (1), by striking “shall be
 6 fined” and all that follows through “or both”
 7 and inserting “shall be imprisoned not less than
 8 3 and not more than 10 years and fined under
 9 title 18, United States Code”;

10 (B) in paragraph (2), by striking “shall be
 11 fined” and all that follows through “or both”
 12 and inserting “shall be imprisoned not less than
 13 10 and not more than 20 years and fined under
 14 title 18, United States Code”; and

15 (C) in paragraph (4), by striking “shall be
 16 fined” and all that follows through “or both”
 17 and inserting “shall be imprisoned not less than
 18 3 and not more than 10 years and fined under
 19 title 18, United States Code”.

20 **SEC. 5. EXCLUSION OF ALIENS UNLAWFULLY PRESENT IN**
 21 **THE UNITED STATES FOR MORE THAN 6**
 22 **MONTHS.**

23 Section 212(a)(9)(B)(i) of the Immigration and Na-
 24 tionality Act (8 U.S.C. 1182(a)(9)(B)(i)) is amended by

1 striking subclauses (I) and (II) and inserting the fol-
2 lowing:

3 “(I) has been unlawfully present
4 in the United States for a period of
5 more than 180 days but less than 1
6 year, unless the alien has subse-
7 quently remained outside of the
8 United States for an uninterrupted
9 period of at least 3 years, or

10 “(II) has been unlawfully present
11 in the United States for a period of 1
12 year or more, unless the alien has
13 subsequently remained outside of the
14 United States for an uninterrupted
15 period of at least 10 years,”.

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